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To: Microsoft ATR
Date: 11/5/01 9:16pm
Subject: Settlement a travesty

As a citizen of this great country and a software professional, after studying the proposed Microsoft settlement I must express my deepest concern. I'm sure you're receiving many letters like mine, so I'll skip directly to my key points:

- 1) The settlement fails to punish Microsoft for past monopoly abuses, nor sufficiently remedies such abuses.
- 2) The settlement fails to address current illegal leverage into new markets by means of application tying in Windows XP, most importantly in these markets: media players (Windows Media Player), digital music (undisclosed Digital Rights Management APIs), subscription based ISP services (MSN Explorer), Real-time Notification and Messaging (Messenger) and distributed authentication services (Passport). None of these, with the exception of Digital Rights Management APIs, have any legitimate claim to reside in the rapidly expanding OS cocoon.

The following, smaller markets are also in jeopardy: IP Telephony, video conferencing, home video editing, digital photo finishing, email clients, and terminal services.

- 3) The settlement fails to ensure successful prevention of future monopoly abuse, specifically in the desktop OS, internet browser, office application suite, distributed authentication, and digital media and music markets. While Microsoft does not currently have a monopoly in all of these markets, the chances are very high that it will within the next two to five years. I strongly doubt a conduct remedy will be strong enough to avoid failure here, especially considering management contempt for previous conduct remedies and antitrust law in general.

Please rethink your settlement strategy. I would recommend adopting a firm resolve in settlement negotiations, for the following reasons:

- a) The case against Microsoft is extremely strong.
- b) The odds that your organization has sufficient technical savvy to avoid being fooled into agreeing to a toothless settlement is very high (as evidenced by the current settlement proposal).
- c) A full and fair remedy will not adversely affect the U.S. economy. In addition to the numerous U.S. competitors Microsoft has and will put out of business, Microsoft's profit margins and 40 billion dollar cash hoard are a testament to the unreasonably high inefficiency in Microsoft's core markets. These monopoly profits = costs for all software consumers, whether they be a large business, a sole proprietorship, or a college student.

Thank you for your time,

Kaya Bekiroglu